

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZYCUS, INC.,

Petitioner,

-v.-

ROBERTSHAW CONTROLS COMPANY, INC.,

Respondent.

24 Misc. 256 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On June 5, 2024, Petitioner filed a petition to confirm an arbitration award. (Dkt. # 1). Petitioner is hereby ORDERED to re-file this action as a civil case, rather than a miscellaneous action. When doing so, Petitioner shall file a notice relating this case to the above-captioned miscellaneous action.

Petitioner is further advised that proceedings to confirm an arbitration award must be “treated as akin to a motion for summary judgment.” *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006). Accordingly, upon the re-filing of the petition, Petitioner shall move for confirmation of the arbitral award in the form of a motion for summary judgment, in accordance with Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1 of the Southern District of New York. The parties’ briefing shall include a joint Local Rule 56.1 Statement as well as a joint Appendix of Exhibits.

The Clerk of Court is directed to terminate the pending motion at docket number 5, and to administratively close this case.

SO ORDERED.

Dated: June 18, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge